

AMENDED IN SENATE JUNE 29, 2006

AMENDED IN ASSEMBLY MARCH 20, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2075

Introduced by Assembly Member Cohn

February 16, 2006

An act to amend Section 954 of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

AB 2075, as amended, Cohn. Crime.

Existing law provides that an accusatory pleading may charge 2 or more offenses of the same class of crimes or offenses, under separate counts, and that if 2 or more accusatory pleadings are filed in such cases in the same court, the court may order them to be consolidated.

This bill would specify that provisions proscribing child abuse and crimes of domestic violence ~~are all of the same class of crimes or offenses and therefore~~ may be charged in the same accusatory pleading under separate counts, *subject to the discretion of the court to try the counts separately, as specified*. This bill would also allow a court to consolidate 2 or more accusatory pleadings filed in the same court alleging any crime of domestic violence.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 954 of the Penal Code is amended to
2 read:

1 954. (a) An accusatory pleading may charge two or more
2 different offenses connected together in their commission, or
3 different statements of the same offense or two or more different
4 offenses of the same class of crimes or offenses, under separate
5 counts, and if two or more accusatory pleadings are filed in such
6 cases in the same court, the court may order them to be
7 consolidated. The prosecution is not required to elect between the
8 different offenses or counts set forth in the accusatory pleading,
9 but the defendant may be convicted of any number of the
10 offenses charged, and each offense of which the defendant is
11 convicted must be stated in the verdict or the finding of the court;
12 provided, that the court in which a case is triable, in the interests
13 of justice and for good cause shown, may in its discretion order
14 that the different offenses or counts set forth in the accusatory
15 pleading be tried separately or divided into two or more groups
16 and each of said groups tried separately. An acquittal of one or
17 more counts shall not be deemed an acquittal of any other count.

18 ~~(b) For purposes of this section—Subject to the provisions of~~
19 *subdivision (a), including, but not limited to, the discretion of the*
20 *court to order, in the interest of justice and for good cause*
21 *shown, that the different offenses or counts set forth in the*
22 *accusatory pleading be tried separately or divided into two or*
23 *more groups and each of the groups tried separately, violations*
24 *of Section 273a committed by willfully causing or permitting a*
25 *child to suffer or inflicting thereon unjustifiable physical pain or*
26 *mental suffering under circumstances or conditions likely to*
27 *produce great bodily harm or death, Section 273ab, and 273d and*
28 *any crime of domestic violence as defined in paragraph (1) of*
29 *subdivision (e) of Section 243 and Section 273.5 of the Penal*
30 *Code, are all of the same class of crimes or offenses and may be*
31 *charged in the same accusatory pleading under separate counts.*

32 (c) If two or more accusatory pleadings are filed in the same
33 court alleging any crime of domestic violence, as defined in
34 paragraph (1) of subdivision (e) of Section 243 and Section 273.5
35 of the Penal Code, the court may order them to be consolidated,
36 *subject to the provisions of subdivision (a).*